



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,057	11/01/2001	Jason E. Dargontina	06 1421 01 01	9505

26813 7590 06/30/2006

MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS, MN 55458

EXAMINER

TRAN, THAO T

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/000,057		DARGONTINA ET AL.	
	Examiner		Art Unit	
	Thao T. Tran		1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17,18,21 and 31-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17,18,21 and 31-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1711

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/04/2006 has been entered.
2. Claims 17-18, 21, 31-52 are currently pending in this application. Claims 17 and 52 have been amended. Claim 19 has been canceled.
3. Note that the claim identifiers for claims 18, 21, and 31-51 are missing from this Amendment. Applicants are required to include the identifiers for all claims in the next Reply.
4. The claim rejections of the prior Office action have been withdrawn due to further consideration.
5. In light of further search, a new rejection is issued as follows.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1711

7. Claims 17-18, 21, 31-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (US Pat. 6,852,399) in view of Harper et al. (US Pat. 4,637,860).

Takahashi discloses a decorative plate 8, comprising a fiberboard cement substrate 6, an adhesive 7, and a decorative sheet 1 (see Figs. 2-3; paragraph crossing col. 13-14; col. 14, ln. 19-21). The decorative sheet 1 is composed of a substrate sheet 2, a print layer 3, an undercoat (primer) 4, and a resin layer 5 as a protective layer (see Fig. 1; col. 5, ln. 7-14). The adhesive layer appears to read on the presently claimed sealer.

The primer layer 4 is formed of a resin, such as urethane resin (see col. 8, ln. 49-54). The protective layer may comprise a thermosetting resin composition, such as polyurethane resin, that is thermal-cured after coating (see col. 21, ln. 11-16; paragraph bridging col. 32-33). The polyurethane resin is a reaction product of an aliphatic diisocyanate, such as hexanemethylene diisocyanate, and a polyol (see col. 33, ln. 9-21). The protective layer may further contain a radiation-noncurable resin, such as a urethane resin (see col. 12, ln. 13-17) and additives, such as alumina or silica particles (see col. 11, ln. 13-34; col. 12, ln. 26-34). The average diameter of the particles is about 5-100 microns and about 30-200% the thickness of the protective layer (see col. 30, ln. 10-16), giving an average of 42 microns (47.5 microns x 85%) in thickness of the protective layer.

In another embodiment, Takahashi discloses the decorative sheet comprising a substrate sheet 1, a lower sealer layer 82, a print layer 83, an upper sealer layer 84, and a top layer 85 (see Fig. 8; col. 34, ln. 32-39). The lower sealer layer appears to read on the presently claimed primer layer.

Art Unit: 1711

Takahashi teaches the fiberboard cement substrate 6 to be pulp cement board, asbestos cement board, and wood chip cement board (see col. 14, ln. 13-21). However, the reference fails to disclose the presently claimed density.

Harper discloses non-asbestos corrugated sheets suitable for external cladding and roofing (see abstract). The density of the sheet is greater than 1,400 kg/m³ (1.4 g/cm³) (see col. 3, ln. 1-4). These sheets have improved strength and durability for asbestos-free products (col. 1, ln. 48-52). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the substrate of Harper in the invention of Takahashi, in order to obtain a product having improved strength and durability.

Response to Arguments

8. Applicant's arguments with respect to the claim rejections in the prior Office action have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tt
June 26, 2006



THAO T. TRAN
PATENT EXAMINER